

**53A-3-425 Association leave -- District policy.**

- (1) As used in this section:
  - (a) "Association leave" means leave from a school district employee's regular school responsibilities granted for that employee to spend time for association, employee association, or union duties.
  - (b) "Employee association" means an association that:
    - (i) negotiates employee salaries, benefits, contracts, or other conditions of employment; or
    - (ii) performs union duties.
- (2) Except as provided in Subsection (3), a local school board may not allow paid association leave for a school district employee to perform an employee association or union duty.
- (3)
  - (a) A local school board may allow paid association leave for a school district employee to perform an employee association duty if:
    - (i) the duty performed by the employee on paid association leave will directly benefit the school district, including representing the school district's licensed educators:
      - (A) on a board or committee, such as the school district's foundation, a curriculum development board, insurance committee, or catastrophic leave committee;
      - (B) at a school district leadership meeting; or
      - (C) at a workshop or meeting conducted by the school district's local school board;
    - (ii) the duty performed by the employee on paid association leave does not include political activity, including:
      - (A) advocating for or against a candidate for public office in a partisan or nonpartisan election;
      - (B) soliciting a contribution for a political action committee, a political issues committee, a registered political party, or a candidate, as defined in Section 20A-11-101; or
      - (C) initiating, drafting, soliciting signatures for, or advocating for or against a ballot proposition, as defined in Section 20A-1-102; and
    - (iii) the local school board ensures compliance with the requirements of Subsections (4)(a) through (g).
  - (b) Prior to a school district employee's participation in paid or unpaid association leave, a local school board shall adopt a written policy that governs association leave.
  - (c) Except as provided in Subsection (3)(d), a local school board policy that governs association leave shall require reimbursement to the school district of the costs for an employee, including benefits, for the time that the employee is:
    - (i) on unpaid association leave; or
    - (ii) participating in a paid association leave activity that does not provide a direct benefit to the school district.
  - (d) For a school district that allowed association leave described in Subsections (3)(c)(i) and (ii) prior to January 1, 2011, the local school board policy that governs association leave may allow up to 10 days of association leave before requiring a reimbursement described in Subsection (3)(c).
  - (e) A reimbursement required under Subsection (3)(c), (d), or (4)(g) may be provided by an employee, association, or union.
- (4) If a local school board adopts a policy to allow paid association leave, the policy shall include procedures and controls to:
  - (a) ensure that the duties performed by employees on paid association leave directly benefit the school district;
  - (b) require the school district to document the use and approval of paid association leave;
  - (c) require school district supervision of employees on paid association leave;

- (d) require the school district to account for the costs and expenses of paid association leave;
  - (e) ensure that during the hours of paid association leave a school district employee may not engage in political activity, including:
    - (i) advocating for or against a candidate for public office in a partisan or nonpartisan election;
    - (ii) soliciting a contribution for a political action committee, a political issues committee, a registered political party, or a candidate, as defined in Section 20A-11-101; and
    - (iii) initiating, drafting, soliciting signatures for, or advocating for or against a ballot proposition, as defined in Section 20A-1-102;
  - (f) ensure that association leave is only paid out of school district funds when the paid association leave directly benefits the district; and
  - (g) require the reimbursement to the school district of the cost of paid association leave activities that do not provide a direct benefit to education within the school district.
- (5) If a local school board adopts a policy to allow paid association leave, that policy shall indicate that a willful violation of this section or of a policy adopted in accordance with Subsection (3) or (4) may be used for disciplinary action under Section 53A-8a-502.

Amended by Chapter 278, 2013 General Session